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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,688	01/03/2001	Toru Shirasaki	3061/22	9745

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1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,688

Applicant(s)

SHIRASAKI, TORU

Examiner

Marc A Patterson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 8 – 9 as being by Beldyk (U.S. Patent No. 5,042,655) of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 – 9, 11 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beldyk (U.S. Patent No. 5,042,655).

With regard to Claim 8, Beldyk discloses a container (package; column 2, line 60) for a framed pellicle (column 2, lines 62 – 63) comprising a base (bottom member; column 2, line 61), a covering for the casing which is mounted on the lower member (upper member; column 2, line 61), and an inside space between the casing and covering in which the pellicle is housed (the pellicle is housed within the box; column 2, line 60); the packaging material from which the base and covering are made comprises metallized plastic (column 5, lines 55 – 58) and therefore a first surface of the base and covering comprise metal; the covering is hinged to the base and comprises no openings, therefore the metal completely surrounds the pellicle (column 6, lines 22

– 28; Figures 4A and 4B). Beldyk fails to disclose a metallized layer having a thickness of at least 0.1 μm .

However, Beldyk discloses a layer having a total thickness of 0.05 to 0.1 inches (column 7, lines 5 – 6) and teaches the selection of thickness to obtain a desired flexibility (the desired material is obtained in flexible sheets of the desired thickness; column 7, lines 7 – 8). Therefore one of ordinary skill in the art would have recognized the utility of varying the thickness to obtain a desired flexibility. Therefore, the flexibility would be readily determined through routine optimization of thickness by one having ordinary skill in the art depending on the desired end use of the product.

It therefore would be obvious for one of ordinary skill in the art to vary the thickness in order to obtain a desired flexibility, since the flexibility would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Beldyk.

With regard to Claim 9, the container base and covering consist of metal (column 5, lines 52 – 54).

With regard to Claim 11, Beldyk fails to disclose a second surface comprising inorganic material. However, Beldyk teaches that the first surface comprises inorganic material for the purpose of dissipating static charge (column 5, lines 51 – 52). One of ordinary skill in the art would therefore also recognize the utility of providing for a second surface which comprises metal, depending on the number of surfaces which are desired to have static dissipation in the end product as taught by Beldyk.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for an additional surface which comprises metal in Beldyk depending on the number of surfaces for which static dissipation is desired.

With regard to Claim 13, Beldyk fails to disclose a metallized plastic comprising aluminum. However, Beldyk teaches the use of aluminum as a metal of the invention, for protection of the pellicle (the frame comprises aluminum; column 2, lines 62 – 65). It would therefore be obvious to one of ordinary skill in the art to provide for aluminum as the metal of the metallized plastic, for the purpose of protecting the pellicle as taught by Beldyk.

With regard to Claim 14, the metallized plastic would therefore also comprise alumina.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 8 – 9 as being by Beldyk (U.S. Patent No. 5,042,655) and 35 U.S.C. 103(a) rejection of Claims 11, 13 – 14 as being unpatentable over Beldyk (U.S. Patent No. 5,042,655), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 4 of the remarks of August 18, 2004, that although Beldyk teaches that metal is ideal for dissipating static charge, Beldyk teaches that the use of metal is undesirable because of weight, corrosion and expense.

However, Beldyk teaches the alternative use of metallized plastic (column 5, lines 55 – 58) which clearly comprises a layer of metal and also dissipates static charge.

Applicant also argues on page 4 that the cited reference relates to a different problem, static dissipation, than the problem of preventing emission of an organic contaminate gas.

However, the prevention of emission of an organic contaminate gas is not claimed. Furthermore, as stated above Beldyk teaches a metal layer as claimed.

Applicant also argues, on page 5, that the metal taught by Beldyk does not completely surround the pellicle taught by Beldyk.

However, the metal taught by Beldyk does completely surround the pellicle taught by Beldyk, as stated above.

Applicant also argues, on page 5, that the thickness cited by Beldyk is for polyethylene and Teflon.

However, as stated above, Beldyk teaches the use of metallized plastic, as well as plastic, as the material of the container.

Applicant also argues on page 6 that there is no suggestion in Beldyk that he metallized layer should be at least 0.1 μm .

However, as stated above, Beldyk discloses a layer having a total thickness of 0.05 to 0.1 inches (column 7, lines 5 – 6) and teaches the selection of thickness to obtain a desired flexibility (the desired material is obtained in flexible sheets of the desired thickness; column 7, lines 7 – 8). Therefore one of ordinary skill in the art would have recognized the utility of varying the thickness to obtain a desired flexibility. Therefore, the flexibility would be readily determined through routine optimization of thickness by one having ordinary skill in the art depending on the desired end use of the product.

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It therefore would be obvious for one of ordinary skill in the art to vary the thickness in order to obtain a desired flexibility, since the flexibility would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Beldyk.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold

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Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson
Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
HP

10/27/04